

THE SENATE IN A SECRET SESSION FAILS TO CONFIRM APPOINTMENTS

(From Saturday's Advertiser.)

The Territorial Senate carefully closed the doors to the legislative chamber at 10:45 o'clock yesterday morning, stationed the Sergeant-at-Arms at the keyhole, and proceeded with the public business—consideration of the appointments made by Governor Frear.

The net results of the star chamber session was the failure of the Senate to confirm the appointments of Attorney-General Hemenway, Treasurer A. J. Campbell and A. Lidgate, License Commissioner of the second-class on the Island of Hawaii. Action was deferred on Land Commissioner Pratt and Surveyor Walter E. Wall.

The votes that resulted in Attorney-General Hemenway not being confirmed were cast by Senators Brown, Coelho, Harvey, Makekua, McCarthy, Robinson, Moore, and Woods. Those voting for his confirmation were Senators Baker, Chillingworth, Fairchild, Kalama, Knudsen, Quinn, and Smith.

Treasurer Campbell failed of confirmation by a vote of ten to five. The affirmative votes were cast by Senators Smith, Fairchild, Knudsen, Kalama, and Chillingworth. The votes that resulted in the failure of the Senate to confirm Campbell's appointment were cast by Senators Harvey, Quinn, McCarthy, Woods, Brown, Coelho, Robinson, Makekua, Moore, and Baker.

As soon as the votes were taken on the nominations of the Governor, Makekua moved to reconsider, effectually preventing any further action in that connection. The statesman from Honolulu is particularly proud of the part he played in the failure of the Senate to confirm the appointments.

When the Senate decided to go into committee of the whole on the appointments, Senator Smith called attention to the Senate rule that provides for executive sessions. Senator Knudsen also observed that the Senate should consider the appointments in secret session. Senators Fairchild and Kalama were the only members of the upper house who did not think that a star chamber session was a necessity. So publicity was effectually throttled for the time being at least.

The session lasted half an hour and the majority did not want any debate. They had already decided on just what was going to happen, and they wanted to hurry through with it as quickly as possible.

The full results of the session were as follows:

Confirmed.

Superintendent of Public Works, Marston Campbell, November 1, 1907.

Auditor, Joseph H. Fisher, November 25, 1907.

Deputy Auditor, Henry Clay Meyers, June 14, 1908.

High Sheriff, William Henry, October 21, 1908.

Registrar of Conveyances, Charles H. Merriam, May 16, 1908.

Board of Health: Mark P. Robinson, President, July 2, 1908; Frederick C. Smith, May 17, 1907; James F. Morgan, April 13, 1908; David Kalanokua, Sr., January 2, 1909.

Commissioners of Agriculture and Forestry: Marston Campbell, President, January 26, 1907; Albert Waterhouse, November 5, 1907; H. M. von

Holt, September 15, 1908; John M. Dowsett, January 26, 1909.

Commissioners of Immigration: Ernest A. Mott-Smith, President, August 15, 1908; Richard Ivers, August 15, 1908.

Commissioner of Public Archives, George Robert Carter, October 15, 1907.

Regents of the College of Agriculture and Mechanic Arts: Ralph S. Hosmer, September 10, 1907; Henry E. Cooper, April 13, 1908.

Hawaiian Library: William L. Whitney, July 30, 1907; Alenzo Gartley, April 21, 1908.

Honolulu Park Commission: Walter M. Giffard, August 8, 1908; George P. Castle, August 15, 1908; Gerrit P. Wilder, August 28, 1908.

Medical Examiner, A. N. Sinclair, M. D., March 5, 1908.

Dental Examiners: C. B. High, D. D. S., July 30, 1907; A. J. Derby, D. D. S., May 10, 1908.

Board of Pharmacy: Samuel S. Peck, July 30, 1907; William L. Moore, M. D., July 30, 1907; Ray B. Reedy, July 30, 1907.

License Commissioners.—County of Hawaii: William H. Greenwell, first-class, July 13, 1908. County of Maui: H. A. Baldwin, first-class, June 12, 1907. County of Oahu: Clarence H. Cooke, first-class, June 20, 1908; Norman Watkins, second-class, July 28, 1908; Carlos A. Long, first-class, November 6, 1908. County of Kauai: Harry R. Smythe, second-class, September 13, 1907; Augustus E. Knudsen, second-class, November 2, 1908.

Prison Inspector, First Judicial Circuit, Edward Davis, June 12, 1907.

Not Confirmed

Attorney General, Charles Reed Hemenway, August 15, 1907.

Treasurer, A. J. Campbell, April 13, 1908.

License Commissioner, County of Hawaii, A. Lidgate, second-class, October 5, 1907. [A. J. Campbell, Oahu, resigned since date of Governor's message.]

Defer Action

Commissioner of Public Lands, James W. Pratt, November 30, 1907.

Surveyor, Walter E. Wall, November 25, 1907.

Commissioner of Public Instruction: S. M. Kanakau, July 30, 1907; F. T. P. Waterhouse, June 25, 1907; Mrs. Mary Wilcox, July 28, 1908; Antonio Perry, July 29, 1908.

Bills Are Signed.

Upon the convening of the Senate notification was received from Secretary Mott-Smith, stating that the Governor has signed Senate Bill No. 116, Act 66, an act to amend Section 1 of Act 23 of the Session Laws of 1909, entitled, "An act to promote the conservation and development of the natural resources of the Territory through immigration and other means by imposing a tax on incomes and appropriating the proceeds for such purpose"; Senate Bill No. 118, Act 67, amending Section 3022 of the Revised Laws.

House Bill No. 116, Act 68, an act to amend Sections 3, 4 and 5 of Act 804 of the Session Laws of 1907, providing for the protection of birds beneficial to the forests of the Territory.

House Bill No. 3, Act 64, an act to amend Section 1278 of the Revised Laws, as amended by Act 87 of the Session Laws of 1905, relating to income tax.

House Bill No. 50, Act 65, an act to provide for the disposition of the proceeds arising from agriculture and industrial pursuits in certain schools.

Abolish Case Costs.

Attorney General Hemenway submitted an itemized list of the Territorial expenses in the case of the Territory against Y. Abe, in response to the resolution introduced by Senator Coelho. The cable expense amounted to \$96.82 and the traveling expenses of C. A. Doyle totaled \$572.33.

When he introduced the resolution Thursday, Coelho was told by Senator Chillingworth that Japanese had borne the costs incident to the extradition of Abe from Japan. When Hemenway's report on the expenses of the case was received, Coelho took occasion to remind Chillingworth of his statement, the latter replying that he was informed that his statement made the previous day was correct.

A letter was received from Chief Justice Hartwell of the Supreme Court asking that no reduction be made in the clerical force available for the Supreme Court, the report being laid on the table to be considered when the Judiciary Department is reached in the course of considering the appropriation bill.

A resolution was introduced by Senator Palmer Woods fixing the rate of payment for Secretary Savage in the work of compiling the Senate Journal, and another resolution was introduced and adopted, authorizing the advertising for bids for the printing of the journal. A third resolution gave the clerk authority to correct all typographical and clerical errors in the Senate records.

Coelho presented a resolution that no member of the Senate should speak for longer than five minutes without the unanimous consent of the Senate. Coming from Coelho, the resolution was a joke and was adopted as such. Coelho stated later that he would be least affected by it, because he could talk faster than any other member of the upper house.

Defer Loan Bill.

The loan bill, carrying an appropriation of \$1,669,492.82 for county improvements, was considered with the majority and minority reports of the Ways and Means Committee. The majority of the committee, consisting of Senators Fairchild, Quinn and Moore, are against the loan bill, recommending that the counties provide for the

internal improvements by the levying of an additional tax of one-fourth of one per cent, at least. The minority, Coelho and Brown, favored the passage of the bill in an amended form.

Senator Fairchild moved for the adoption of the majority report, and Coelho made a similar motion in behalf of the report of the executive minority. President Smith stated that no immediate action should be taken until copies of the reports were prepared for each member of the Senate. A motion to that effect was adopted and consideration of the bill was deferred.

On the order of the day was the Senate bill introduced by Coelho allowing anyone to treat persons afflicted with incurable diseases or "given up" by licensed physicians. Coelho made a motion for the passage of the bill on third reading. President Smith called Vice President Kalama to the chair and took the floor, arguing for the indefinite postponement of the bill or more time for its consideration. He said that it should be considered jointly with the House bill on the treatment of leprosy and people afflicted with the disease, stating that the measure passed by the House of Representatives was the fruit of special investigations by the Board of Health and others interested in the question.

A Coelho Argument.

Coelho declared that the Hawaiians could cure leprosy when doctors could not, and declared that Senator Smith should not try to frighten people by referring to the possibility of Federal control. He said that it would be better to have the authorities of the United States take control than allow conditions to continue as at present. Replying to a question, Coelho stated that he would recommend that the House bill and his measure be taken up in committee of the whole, and a motion to fix a session of the committee at 7:30 in the evening was carried. This action was reconsidered, however, and the bill allowed to go on the regular order.

The amendments made in the House of Representatives to the Senate bill providing for the payment of claims against the County of Maui under the defunct County Act of 1903 were taken up for consideration and were concurred in with a unanimous vote.

The Senate bill providing an amendment to the charter of the City and County of Honolulu was taken up on third reading and passed, Chillingworth, Kalama and Smith casting the only negative votes. The bill provides that all road work costing \$500 or more should not be undertaken without the advertising for bids.

The bill providing savings banks for the benefit of public school children failed to pass third reading on a vote of eight to seven. Chillingworth, Kalama, Knudsen, Makekua, McCarthy, Robinson and Smith supported the measure.

Bill on Estates.

The Senate bill providing for the duties of executors and administrators and the handling of estates was passed on third reading, the only dissenting vote being that of President Smith. He called attention to the obscurity of language in the bill, but Senator Knudsen, chairman of the Judiciary Committee, said that it was based upon the provisions of a California statute that had proven satisfactory.

Senate Bill 117, dealing with penalties for delinquent taxes, was passed on third reading. President Smith gave the only one to record a negative vote. He suggested that the provisions of the measure were a trifle sweeping, but the Senate passed the bill without going into the question brought up by the presiding officer.

The Senate bill amending Act 62 of the Session Laws of 1909, which tied up Territorial expenditures by making a purchasing agent an immediate necessity, received final endorsement at the hands of the upper house. It strikes out the purchasing agent, who may be provided for in a new amendment.

House Bill No. 157, providing the rate of license for public shows, was referred back to the Ways and Means Committee, on the motion of Senator Moore, who declared that he had understood that a section had been stricken out which still appeared in the bill.

House Bill 164 was taken up with the report of the Health Committee. It provides for the care and maintenance of insane persons and the appointment of a lunacy commission. Action was deferred, it having been recommended that the bill be taken up in the committee of the whole.

House Bill 177, giving the Board of Supervisors power to regulate the construction of buildings in which "noisy trades" are conducted, passed on its second reading.

Senate Resolution No. 52, introduced by Senator Harvey, and instructing the Board of Health to return all persons confined at the Molokai Settlement without signs or symptoms of leprosy to the Kalaheo Receiving Station for treatment, was considered with the amending report of the Health Committee. President Smith took the floor in opposition to the resolution and offered a substitute resolution which simply requested the Board of Health to take the matter up. Harvey's resolution was adopted.

The Appropriation Bill.

The Senate went into committee of the whole on the appropriation bill, with Knudsen in the chair.

Makekua withdrew his objection to the passage of the settlement of \$400 upon Mrs. John Kea, which was deferred, upon his request, Thursday. Makekua said that he supported the settlement, and it was passed upon his motion.

Referring to the Attorney General's department, the appropriations for which were passed upon Thursday, Senator Fairchild stated that in view of the fact that "the present Attorney General did not satisfy the Senate," he thought that it was possible that a "satisfactory man" could not be secured for \$300 a month, the present salary.

The Treasury Department was the first taken up for consideration yesterday, the item of \$6600 for the salary of the Treasurer being the first passed without comment. The \$5400 for the Registrar of Public Accounts was approved, and \$4200 for the book-

keeper and deputy insurance commissioner. The item of \$9480 for clerks, stenographers and assistants was deferred on the motion of Senator Robinson, who insisted that the amount should be segregated.

Under the heading of expenses, the item of \$5000 for the Treasurer's department was passed without comment, as was the \$1200 for the insurance law. Consideration of the \$5000 item in the House bill for the enforcement of the liquor law produced a debate that finally resulted in it being deferred.

Liquor Inspectors.

Senator McCarthy moved that the House appropriation of \$5000 be raised to the \$17,000 asked by the Governor. He said that provision should be made for inspectors and that the work could not be transferred to the deputy sheriffs. Robinson said that he would oppose the appropriation until a county division of the money was made, so it would be known just what the distribution would be.

Senator Smith insisted that there was no ground for the belief that the work of the liquor inspectors could be transferred to the deputy sheriffs. He said that one of the regulations stopped police officers from entering saloons, effectually preventing them acting as police officers.

Makekua said that the House of Representatives had listened to an insinuation of the Senate at a "luau at Haleiwa," and that they claimed to be the only representative body. Makekua argued that the House had killed the Senate liquor bill with scant ceremony, taking the attitude of opposing a change in the law. "Yet," he argued, "they have gone ahead and knocked out the inspectors by reducing the appropriation. It is not on us to change it. Let us pass it."

He was supported in this view of the matter by Senator Harvey.

Senator Chillingworth said that the idea of "an eye for an eye" might be a good one in the opinion of Makekua, but he did not see why the Senate should legislate to revenge itself upon the House.

Senator Woods understood from Chillingworth's remarks that he did not think the House of Representatives legislated for the people, but Chillingworth disclaimed making any such observation.

Senator McCarthy defended the liquor law, as passed by the Senate, and said that it did not interfere with the inspectors. McCarthy insisted that the appropriation should pass at \$17,000, as recommended by the Governor. Baker wanted it deferred until the amount could be segregated among the counties. It was deferred upon Baker's motion.

Tax Department.

The item of interest, commissions, licenses and public debt was deferred.

For the bureau of taxes, first division, \$5400 was passed for the salary of the assessor. Robinson objected to the inclusive appropriation of \$49,200 for deputies and clerks, taking the stand that it should be segregated. The item was deferred. The sum of \$6000 was passed for expenses.

For the second taxation district, Maui, the Senate approved the \$4800 appropriation for the assessor and the expenses of \$1500. The item of \$16,000 for clerks and deputies was deferred on the motion of Senator Robinson, who took his usual stand that the amount should be itemized. The fourth district, Kauai, the salary of \$175 was raised to \$200 on the motion of Robinson, the appropriation of \$13,000 for clerks deferred, and the expense item of \$1500 passed.

All of the appropriations under the head of Bureau of Conveyances were deferred on the motion of Senator Chillingworth.

No Industrial Education.

The Department of Public Instruction was next in the House appropriation bill, and consideration of it showed that there was a wide difference of opinion among the members of the Senate as to the necessities of that department.

McCarthy expressed the opinion that the Senate was liable to go astray when it came to consider items that would be affected by the proposed scheme of transferring responsibility and power to the counties. Senator Smith did not think that the counties were ready to take over the schools from the Territory.

Senator Kalama thought a normal inspector should receive at least \$300 a month if he was expected to pay his own traveling expenses. The item was finally passed at \$200 and \$1200 for expenses for the biennial period. Senator Smith defended the school agents, declaring that they were necessary. The items finally passed were \$3000 for the secretary, a stenographer at \$1800, and expenses \$7500, a total of \$12,300. The clerk at \$3000 was stricken out, Senators Quinn and Moore taking the lead in opposition to it.

Senators Smith and Coelho took the lead for adequate provision being made for industrial training. Senator Smith wanted the amount asked for by the Governor, \$7500, appropriated, but the majority of the upper house believes that industrial training is nothing more than a "fad," and voted down Senator Smith's motion. Coelho then moved that some amount be inserted for industrial training under the general heading of school supplies, library and bookmaking. The motion was lost, Senators McCarthy and Harvey being determined in their opposition.

Teachers' Salaries.

The appropriation of \$775,000 for teachers' salaries was approved, Senator Fairchild stating that the amount would increase the salaries to the amounts that prevailed before the 3 per cent, cut, and in addition would allow for forty-seven additional teachers.

Under the heading of special schools the Senate approved \$15,000 for the maintenance of Lahainalua, \$3240 for the superintendent of the Boys' Industrial, \$2400 for guards and \$15,000 for maintenance. For the Girls' Industrial \$2400 was approved; \$1500 for guards and \$800 for maintenance.

The item under the heading of the College of Agriculture and Mechanic Arts was deferred. Senator Fairchild again referring to the letter received from Governor Frear stating that if an increase was made in the appropriation for the Attorney-General's Department the College of Agriculture could be brought partially under the provisions

of the fund to be created by the special income tax.

When the Public Works Department was reached, Senator Fairchild said that in view of the proposed consolidation of the departments under one head he suggested that all the department items be deferred, which was done.

Under the heading of government property, Capital and Judiciary buildings, the Senate approved \$1800 for a caretaker, \$4200 for three guards at \$60, \$1800 for five janitors at \$40, \$5760 for six laborers at \$40, and \$1200 for the keeper of the mausoleum at \$50 per month.

Consideration of the items under the head of government buildings developed a debate on the county transfer scheme. Senator Fairchild stated that with the transfer proposed the counties would care for their own buildings.

Senator Smith declared that, with all due respect to those favorable to the plan, he did not think that it had been worked out on a careful and businesslike basis. He expressed the opinion that there were many obstacles in the way of its successful attainment, not the least of which was the Organic Act. Fairchild defended the idea of county control, and maintained that it could be carried out successfully.

The committee rose on the motion of Coelho, and the Senate adjourned until nine o'clock this morning.